

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BERNARD R. SCOTT,)	
)	Civil Action No. 13 – 1149
Plaintiff,)	
)	District Judge Mark R. Hornak
v.)	Magistrate Judge Keith A. Pesto
)	
JOHN E. WETZEL, SECRETARY,)	
PENNSYLVANIA DEPARTMENT)	
OF CORRECTIONS, et al,)	
)	
Defendants.		

MEMORANDUM ORDER

Before the Court is the Report and Recommendation of Magistrate Judge Keith A. Pesto who has recommended that this action be dismissed, without leave to amend, due to Plaintiff's complete failure to state any plausible cause of action, based on a review of all of the Plaintiff's filings pursuant to 28 U.S.C. §1915A. Plaintiff was served with the Report and Recommendation and informed that he had until December 19, 2013, to file written objections. Plaintiff filed such objections on December 6, 2013. After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following **ORDER** is entered.

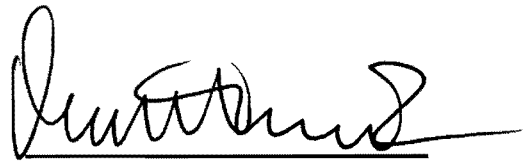
AND NOW, this 30th day of December, 2013,

IT IS HEREBY ORDERED that this case be and hereby is **DISMISSED WITH PREJUDICE**. This Court concurs with and adopts the conclusion of the Report and Recommendation [ECF No. 12] that upon a full review of the pleadings filed by the Plaintiff, and his objections to the Report and Recommendation, even when read generously, the Complaint fails to state a claim upon which relief may be granted. Further, the Plaintiff has already once

amended his Complaint to no avail, and it appears to this Court that any further effort in those regards would be futile. The Court adopts as the Opinion of this Court the Report and Recommendation, with the exception of the first sentence of the second full paragraph of page 3 of the Report and Recommendation, the Court finding such sentence to not be necessary to the decision of the action.

AND IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

The Plaintiff is hereby advised that pursuant to Federal Rule of Appellate Procedure 4(a)(1) he may file a notice of appeal within thirty (30) days of the date of this Order as provided by Rule 3 of the Federal Rules of Appellate Procedure.

A handwritten signature in black ink, appearing to read 'Mark R. Hornak', written over a horizontal line.

Mark R. Hornak
United States District Judge

cc: Bernard R. Scott
DG-5772
SCI Pine Grove
191 Fyock Road
Indiana, PA 15701
(Via First Class Mail)